

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

Robert B. Pringle (SBN: 51365)
rpringle@winston.com
Paul R. Griffin (SBN: 83541)
pgriffin@winston.com
Patrick M. Ryan (SBN: 203215)
pryan@winston.com
Jonathan E. Swartz (SBN: 203624)
jswartz@winston.com
WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111-5802
Telephone: (415) 591-1000
Facsimile: (415) 591-1400

Attorneys for Defendants
NEC ELECTRONICS AMERICA, INC.
NEC ELECTRONICS CORPORATION
Liaison Counsel for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE STATIC RANDOM ACCESS
MEMORY (SRAM) ANTITRUST
LITIGATION

Case No. M:07-CV-01819-CW

MDL No. 1819

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

**STIPULATION AND ORDER TO
SUBSTITUTE NEW CLASS
REPRESENTATIVES, EXTEND TIME TO
FILE CLASS CERTIFICATION
OPPOSITION AND REPLY BRIEFS, AND
CHANGE HEARING DATE**

WHEREAS, on September 18, 2008, a Case Management Conference was held before the Court in the coordinated proceedings In Re Static Random Access Memory (SRAM) Litigation, Case No. M:07-cv-1819-CW;

WHEREAS, the Court's CMC Order dated September 29, 2008 required the Indirect-Purchaser Plaintiffs to file their Motion for Class Certification and Expert Reports in support thereof on January 15, 2009 with Defendants' Opposition to be filed on February 26, 2009, the Indirect-

Purchaser Plaintiffs' Reply to be filed on March 12, 2009, and the Hearing on the matter to be held on March 26, 2009;

WHEREAS, the Indirect-Purchaser Plaintiffs thereafter approached defendants seeking an extension of time to prepare their expert reports and opening class certification brief;

WHEREAS, the parties entered into a stipulation which was approved by the Court and filed on January 9, 2009 which, among other things, extended the date by which Indirect-Purchaser Plaintiffs' opening brief was due until January 29, 2009, and modified the other briefing dates and the hearing date;

WHEREAS, Indirect-Purchaser Plaintiffs filed a Motion for Class Certification on January 29, 2009, identifying 47 proposed class representatives, 13 of which Indirect-Purchaser Plaintiffs seek to substitute for other party plaintiffs currently identified in the Third Consolidated Amended Complaint filed on August 1, 2008;

WHEREAS, contemporaneously with the filing of their Motion for Class Certification, and without advance notice to Defendants, Indirect-Purchaser Plaintiffs also filed a Motion to Substitute 13 new party plaintiffs on January 29, 2009;

WHEREAS, Defendants contend that the filing of the Motion to Substitute 13 new party plaintiffs at the same time as their Motion for Class Certification significantly disadvantages Defendants in completing their class certification discovery and preparing their expert reports and opposition brief by the current dates specified in the January 9, 2009 stipulation and order;

WHEREAS, Defendants contend that, had they known that Indirect-Purchaser Plaintiffs intended to file their Motion to Substitute at the same time as their Motion for Class Certification, Defendants would not have stipulated to the current briefing schedule reflected in the January 9, 2009 stipulation and order;

WHEREAS, Indirect-Purchaser Plaintiffs contend that Defendants have been aware of 34 of the proposed class representatives since Indirect Purchaser Plaintiffs filed their Third Consolidated Amended Complaint on August 1, 2008;

WHEREAS, Indirect-Purchaser Plaintiffs contend that they did not know until recently that

such substitutions would be necessary, but are willing to stipulate to an extension of time to allow Defendants to take discovery of these 13 new party plaintiffs and incorporate such new information into their opposition to class certification and supporting expert reports and to the establishment of certain deadlines for class discovery of the proposed new and existing party plaintiffs;

WHEREAS, in return, and contingent on the Court's approval of the new dates set forth below, Defendants are willing to stipulate to the substitution of the proposed 13 new party plaintiffs;

NOW THEREFORE, it is hereby stipulated by the undersigned counsel on behalf of the parties identified below, and subject to the Court's approval, that the January 9, 2009 stipulation and order be amended as follows:

A. Contingent on the Court's approval of the agreed-upon dates set forth below, Defendants stipulate to the substitution of the 13 new party plaintiffs referenced in Indirect-Purchaser Plaintiffs' Motion to Substitute filed on January 29, 2009;

B. Indirect-Purchaser Plaintiffs shall respond to all written discovery to be served by Defendants and produce all relevant files with respect to the 13 new party plaintiffs 21 days after service thereof, or, if the parties agree to a deposition date for a new party plaintiff that is earlier than 21 days after service, then service shall be made 3 business days prior to the deposition;

C. Upon request by Defendants, Indirect-Purchaser Plaintiffs shall make available the 13 new party plaintiffs and any other proposed class representatives for depositions on such dates, times and locations that are agreeable to all parties by April 16, 2009;

D. Any disputes with respect to said discovery in B and C above shall be heard and resolved by Discovery Master Judge Smith;

E. Defendants' Opposition to the Indirect-Purchaser Plaintiffs' Motion for Class Certification shall be filed no later than April 30, 2009;

F. Indirect-Purchaser Plaintiffs' Reply to Defendants' Opposition shall be filed no later than May 28, 2009; and

///

///

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

G. The hearing on Indirect-Purchaser Plaintiffs' Motion for Class Certification shall be held on June 11, 2009 at 2:00 pm. in Courtroom 2, 4th Floor.

Dated: February 18, 2009

By: /s/ Paul R. Griffin

PAUL R. GRIFFIN
WINSTON & STRAWN LLP

Liaison Counsel for Defendants

Dated: February 20, 2009

By: /s/ Christopher T. Micheletti

FRANCIS O. SCARPULLA
CRAIG C. CORBITT
PAMELA E. WOODSIDE
QIANWEI FU
JANE YI
ZELLE, HOFFMANN, VOELBEL
& MASON LLP

*Interim Lead and Liaison Counsel for
Indirect-Purchaser Class*

Additional Defendants' Counsel Below
LATHAM & WATKINS LLP

WHITE & CASE LLP

By /s/
Daniel M. Wall
Attorneys for Defendants
Toshiba Corporation and Toshiba
America Electronic Components, Inc.

By /s/
Matthew S. Leddicotte (*pro hac vice*)
Attorneys for Defendant Etron Technology
America, Inc.

MAYER BROWN LLP

OMELVENY & MYERS LLP

By /s/
Robert E. Bloch (*pro hac vice*)
Attorneys for Defendant
Cypress Semiconductor, Inc.

By /s/
Michael F. Tubach
Attorneys for Defendant
Hynix Semiconductor America, Inc.

GIBSON, DUNN & CRUTCHER LLP

McDERMOTT WILL & EMERY LLP

By /s/

By /s/

Craig P. Seebald (*pro hac vice*)
 Vincent van Panhuys (*pro hac vice*)
 Attorneys for Defendants Renesas
 Technology Corp., Renesas Technology
 America, Inc., Hitachi, Ltd., Hitachi
 America, Ltd., Mitsubishi Electric
 Corporation, and Mitsubishi Electric &
 Electronics USA, Inc.

By James L. McGinnis /s/
Attorneys for Defendants
Samsung Electronics America, Inc. and
Samsung Semiconductor, Inc.

/s/ Patrick M. Ryan
Patrick M. Ryan

IT IS SO ORDERED.

Candice Witt

THE HONORABLE CLAUDIA WILKEN
United States District Judge
Northern District of California